

## REMARKS

Claims 1-8 are pending in the application. We are pleased to inform you that Claims 4-8 have been allowed. We are also pleased to inform you that Claim 2 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner maintains his rejection of Claim 1 under 35 U.S.C. §102(e) as being anticipated by Ito (U.S. Patent 6,408,039), as well as his rejection of Claim 3 under 35 U.S.C. §103(a) as being unpatentable over Ito.

Regarding the rejection of Claim 1 under §102(e), the Examiner states that Ito discloses all of the elements recited in Claim 1. Ito discloses a radio communication apparatus employing a rake receiver. The Examiner states in the Response to Arguments section of the Office Action that “a symbol combiner for combining symbol data except for symbol data whose signs are inverted due to fading among the symbol data received from the fingers” as recited in Claim 1 is anticipated by Ito, and goes on to support this with an argument that cannot be supported by Ito, namely that Ito (allegedly) discloses that the symbol combiner only combines the corrected symbols, not inverted symbols. Ito at col. 4, lines 53-55 states that the symbol combiner combines finger symbols output by the searcher/finger units. This is in direct contradiction of the position the Examiner is taking regarding the symbol combiner “only combines the corrected symbols”.

The symbol combiner of Claim 1 does not control a phase error (as in Ito), but combines selective maximum ratio symbol data by excluding symbol data having a sign different from the majority sign. On the contrary, the symbol combiner of Ito only combines received symbols whose phases are previously adjusted, but does not exclude symbols having different signs, as recited in Claim 1. Thus, since the symbol combiner of Claim 1 excludes inverted signs (phases), the present invention does not need a phase equalizer for adjusting phase of symbol to exclude fading by equalizing different phases.

In addition, if an accurate phase is not compensated for in spite of adjusting the phase of the symbol, fading is combined into the symbol combination so that symbol energy is reduced. To solve this problem, the present invention provides a method for excluding inverted sign (phase). That is, the present invention provides a feature for preventing the combination of

fading by excluding an inverted sing (phase).

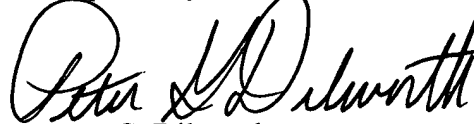
In conclusion, the symbol combiner of Claim 1 of the present application performs a different operation from that of Ito, to solve different object. Claim 1 has been amended to clarify this distinction.

Based on at least the foregoing amendments and distinctions, withdrawal of the rejection of Claim 1 is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claim 3, this is likewise believed to be allowable by virtue of its dependence on its respective independent claim. Accordingly, reconsideration and withdrawal of the rejection of dependent Claim 3 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-8, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Dilworth", written in a cursive style.

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